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Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSC-05 /056 W
----------063822 110141Z /72
R 101009Z MAR 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 8429
INFO AMEMBASSY LONDON
AMEMBASSY BRUSSELS

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BRUSSELS FOR FAA

E. O. 11652:N/A
TAGS: EAIR, FR
SUBJECT: CONCORDE AND POSSIBLE US FRENCH
NEGOTIATIONS

1. SUMMARY: ALTHOUGH THE CONCORDE HAS CEASED TO BE THE GREAT IRRITANT IN US-FRENCH RELATIONS THAT IT WAS FROM 1975 TO 1977, THE GOF STILL SEES CERTAIN ASPECTS OF THE AIRCRAFT AS POSING QUESTIONS BETWEEN THE TWO COUNTRIES. SOME OF THESE WERE HIGHLIGHTED FOR US IN A RECENT VISIT BY THE CIVIL AIR ATTACHE AND FAA REPRESENTATIVE TO MICHEL LAGORCE (COMMERCIAL DIRECTOR FOR CONCORDE, AERONAUTICAL INDUSTRY BUREAU, DIRECTORATE GENERAL OF CIVIL AVIATION (DGAC). SPECIFICALLY, LAGORCE TOUCHED UPON WASHINGTON-MEXICO RIGHTS, THE BRANIFF INTERCHANGE ARRANGEMENT AND A KENNEDY RUNWAY PROBLEM. HE ALSO REVIEWED FOR US THE AIRCRAFT ORDER-BOOK SITUATION AND CONFIRMED THAT THERE ARE NO PLANS TO PRODUCE MORE THAN SIXTEEN PLANES. IN THIS MESSAGE WE NOTE THAT SOME OF HIS POINTS -- DEALING WITH WASHINGTON-
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MEXICO RIGHTS AND THE INTERCHANGE QUESTION -- MAY PRO-VIDE SOME LEVERAGE FOR THE US SHOULD WE EMBARK UPON OVERALL CIVAIR NEGOTIATIONS WITH THE GOF. IN SEPARATE MESSAGES WE WILL REPORT THE OTHER POINTS HE RAISED.
END SUMMARY.

2. WASHINGTON-MEXICO RIGHTS: THE FRENCH GOVERNMENT

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AND AIR FRANCE CONSIDER BLIND-SECTOR RIGHTS BETWEEN WASHINGTON AND MEXICO (SEE PARIS 06714) EXTREMELY IMPORTANT FOR IMPROVING THE ECONOMIC VIABILITY OF CONCORDE'S PRESENT OPERATIONAL PATTERN LAGORCE EMPHATICALLY STATED. ALTHOUGH HE AGREED THAT THESE RIGHTS WERE PROBABLY MUCH MORE VALUABLE THAN THE US GENEVA-NICE OPERATIONS, HE HOPED THAT THE USG WOULD PROCEED PROMPTLY TO MAKE THE EXCHANGE.

3. BRANIFF LEASE: THE PROPOSED INTERCHANGE AGREEMENT WITH BRANIFF IS EXTREMELY IMPORTANT OVER THE LONG TERM FOR CONCORDE UTILIZATION AND TRAFFIC DEVELOPMENT, ACCORDING TO LAGORCE. THE FAA'S TYPE CERTIFICATION PROCEDURE, HE BELIEVES, IS GOING SMOOTHLY AND IT IS HOPED THAT ALL ISSUES MAY BE RESOLVED BY MAY. (LIKEWISE, HE IS CONFIDENT THAT THE USG WILL ACCEPT BY MAY THE BRITISH-FRENCH PROPOSALS TO MODIFY THE PROPOSED SST NOISE RULE SO AS TO PERMIT OPERATIONS OF MORE THAN THE FIRST 16 AIRCRAFT TO THE US).

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HOWEVER, THERE IS CONCERN THAT AMERICA'S FEDERAL LAW MAY PRECLUDE US REGISTRATION OF THE CONCORDES (AND THUS BRANIFF'S ABILITY TO OPERATE THEM) SINCE THE OWNERSHIP OF THESE AIRCRAFT WOULD CONTINUE TO

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BE NON-AMERICAN. AIR FRANCE (AND BRITISH AIRWAYS) HAVE BEEN ADVISED BY THEIR U.S. ATTORNEYS THAT SINCE BRANIFF WOULD BE THE BAILEE OF THE AIRCRAFT CONCORDE COULD BE REGISTERED AND OPERATED. THIS THEORY WILL BE TESTED WHEN THE APPLICATION FOR REGISTRATION IS MADE AND MUCH WILL DEPEND ON THE OPINION OF THE FAA GENERAL COUNSEL. LAGORCE NOTED THAT FRANCE HAD RAISED THIS ISSUE IN THE RECENT ICAO COMMITTEE ON LEASING AND INTERCHANGE WHICH HAD RECOMMENDED APPROPRIATE CHANGES IN NATIONAL LAWS OF SUCH COUNTRIES AS THE UNITED STATES. A BILL IS PENDING IN CONGRESS TO REMOVE THE OWNERSHIP REQUIREMENT BUT HE IS UNAWARE OF AN EXECUTIVE BRANCH POSITION ON THE BILL. FRANCE HAS NOT YET PUSHED THE USG ON THIS MATTER, BUT LAGORCE SUGGESTED IT MAY HAVE TO DO SO STRONGLY ONCE THE TYPE CERTIFICATE AND SUPERSONIC NOISE RULE QUESTIONS ARE
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OUT OF THE WAY.

4. COMMENT: IT WOULD APPEAR THAT AIR FRANCE'S INTEREST IN WASHINGTON-MEXICO BLIND SECTOR RIGHTS FOR THE CONCORDE AS WELL AS IN THE FACILITATION OF THE BRANIFF INTERCHANGE ARRANGENT MIGHT PROVIDE A LIMITED AMOUNT OF LEVERAGE FOR THE US IN OVERALL CIVAIR NEGOTIATIONS WITH FRANCE. TO OUR KNOWLEDGE, THE INTENSITY OF FRENCH INTEREST IN THESE QUESTIONS HAS NOT YET BEEN GIVEN ANY LOCAL MEDIA ATTENTION. HOWEVER, ONCE THAT INTEREST BECOMES A MATTER OF PUBLIC KNOWLEDGE, AND INFORMATION ABOUT ANY POSSIBLE US RELUCTANCE TO ACCOMMODATE FRANCE IS OUT IN THE OPEN, OUR ACTIONS ON CONCORDE COULD BECOME ONCE MORE A POLITICAL ISSUE IN FRANCE.
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